

No. 21-707

In the
Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,

v.

UNIVERSITY OF NORTH CAROLINA, et al.,
Respondents.

**On Writ of Certiorari to the
U.S. Court of Appeals for the Fourth Circuit**

BRIEF FOR RESPONDENTS

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[12/13/2022]

QUESTIONS PRESENTED

Should this Court overrule *Grutter v. Bollinger*, 539 U.S. 306 (2003), and hold that institutions of higher education cannot use race as a factor in admissions?

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TABLE OF AUTHORITIES

GRUTTER V. BOLLINGER

Brown v. Board of Education

**Act of March 3, 1865, ch. 90, § 1, 13 Stat. 507,
Abraham Lincoln**

SUMMARY OF ARGUMENT

The main summary of my argument for affirmative action is that people of color deserve the right to go to universities like white people that can go in because of their connections of their parents and they can pay for college unlike a black or hispanic person because they lack the funds for university and my partner's argument was that the Grutter v Bollinger case should've been overruled because affirmative action brings diversity and multiple changes on a campus and another argument that he had was that the pros of diversity help people out of poverty and give them a new life and they can be middle class citizens.

ARGUMENT

I. Affirmative action should be used in universities.

I believe that they should protect all citizens of races equally and that additional measures such as affirmative action are necessary even, though the fourteenth amendment prohibits states from denying equal protection of

laws to other residents, that they were very racist to African Americans and that they never saw them as people but as property back then, yes because the black community needs help with a lot of things like school because of the lack of education and they lack a representation in the senate and most live in poverty so yes this argument would still work in today's society, yes Hispanics, Asians, and Native Americans deserve the same treatment. as black people, because these parties have experienced race problems when it comes to going to a specific university and they cannot enter into that school because they do not qualify to be in the school due to the color of their skin and etc, should affirmative action benefit sexual orientation or gender identity no because it is not the same as a race because Black people and Hispanics have gone through racial things to not

being able to not go to a college. because of their race, Black people and Hispanic people have lived in bad areas and had a poor education-that's why they need affirmative action but if its someone that is a man and identifies as a woman then it wouldn't be the same because it is two different things because a person can't enter a school because they don't qualify because they are Hispanic or Black and they are looked down upon by colleges that they want to go to.

Hispanic People, Asian People, and Native Americans all deserve the same privileges as Black people because most of them live in poor areas and lack a good education, and the diversity in classrooms in universities enhances the educational experience of students from different backgrounds. The systematic efforts to prioritize diversity in college admissions can improve the representation of historically excluded groups and affirmative action helps these excluded groups to attend college because students of color such as African Americans, Hispanics, and Native Americans have been blocked to access college because of segregation, underfunding and low familial wealth which is a result of students of color to low success rates for colleges to admission them and also making it harder for people of color to access top tier classes or top tier public and private colleges, but affirmative action attempts to fix these problems by sitting down with colleges and encouraging them to nontraditional factors that could make a student successful but these are

often overlooked by colleges. A white student could have most likely had a parent who went to a particular college and has a higher chance to succeed because they meet the college's criteria while if you took someone that is an African-African they will tend to not meet the criteria because they have fewer resources and they lack the funds to meet the criteria and they live in a low-income neighborhood and colored students face challenges like gaining access to higher education and students of color are overwhelmed by academic selective colleges.

But affirmative action can help students of color regardless of their privilege, wealth, and background and they also have the chance to benefit from the advantages that the selective colleges provide because these low-income students of color can step into the middle-class, affirmative action combats against the effects of discrimination those historically shut out of the system because of their race, ethnicity, income, or identity. For this reason, it is critically important that policymakers and legislators work to protect the use of race-conscious admission policies that happen across the country.

Act of March 3, 1865, ch. 90, § 1, 13 Stat. 507,
Abraham Lincoln

Provided aid for freed blacks and after the war, he provided relief in the form of rations to freedmen, war refugees, and destitute citizens. It provided health care to those without the financial assets to purchase it. It adjudicated disputes, overturning other courts' discriminatory rulings, and in some areas, established courts where freedmen could bring their complaints. The Bureau helped to facilitate the hiring of freedmen through the drafting of employment contracts and The Bureau's most successful efforts were those to educate newly freed slaves in schools and universities built especially for them which benefited them.

Racial inequality in the United States stems partly from the ongoing knock-on effects of past exclusion and discrimination. For example, White families have had more opportunities over generations to accumulate wealth; that wealth often aids middle-class Whites as they go to buy their first home. The average White family today holds more than \$170,000 in net assets, compared with just \$17,000 for the average Black family. In turn, middle-class Black families tend to live in more disadvantaged neighborhoods than middle-class

White families. This affects where their children go to school, and who they go to school with.

Affirmative action helps to account for these historical and contemporary inequities and makes a difference in the lives of its beneficiaries. Attending an elite college improves future earnings for Black and Latino students. In contrast, the information is unclear on whether attending an elite college makes a difference in future earnings for White, non-low-income, non-first-generation students. Scholars think this difference is because students from families with fewer resources are more likely to draw on the connections they make in college for future opportunities, compared with those whose parents can already provide those connections, no matter where they go to college when a Black or Latino cannot have these things because they have low income and live in very poor neighborhoods and lack the things that white people in the middle class have.

just how diverse learning environments shape educational experiences, if at all. We now know the considerable benefits to all students of having a quorum of classmates of all races. It makes students more likely to socialize with peers of other races, which in turn seems to improve their intellectual engagement and performance. It even bolsters their leadership skills. Experiencing a diverse student body in college is associated with having diverse friendships, greater civic engagement and positive racial things after they graduate.

II. Part II

6. Does *Brown v. Board of Education* (1954) prohibit race-conscious affirmative action?

No, the ruling does not prohibit taking race into consideration. *Brown v Board of Education* was a landmark decision by the Supreme Court in 1954. It ruled that racial segregation in public schools was unconstitutional. "Seperate is not equal."

Oliver Brown, the plaintiff, filed a class action suit against the Topeka Board of Education because his daughter was denied access to their neighborhood school because it was an all white school.

The court ruled separate but equal was unconstitutional. The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws.

Brown v Board of Education was decided in 1954. Affirmative Action didn't exist as a policy until 1961 under president John F. Kennedy.

7. In 2003, *Grutter* Justice O'Connor observed that "25 years [after this case], the use of racial preferences will no longer be necessary to further the interest approved today." Will there ever be a point in time in which racial preferences are no longer needed? If not, should the Court allow racial preferences to go on forever? I think racial preferences will be needed until such time our society has progressed to the point where justice is truly color

blind. A 25 year limit might not be enough. Because Affirmative Action helps bring diversity and multiple points of view. I think courts should allow racial preferences. It brings a diverse culture into school, and brings multiple communities into the schools. Every case should be treated on its own facts.

8. Should Grutter v. Bollinger be overruled? Please address the Supreme Court's recent discussion of stare decisis in Dobbs v. Jackson Women's Health Organization. I think Grutter v. Bollinger shouldn't be overruled because affirmative action brings diversity and multiple minorities on campus. I think there could be some changes made but I don't think it should be completely taken out. Affirmative Action has pros and cons. the pros are that it brings diversity to campus, help people out of poverty, and can bring more job opportunities to minorities. Cons are that it can prefer certain minority groups over others, can be an expensive policy, and that it promotes stereotypes. In the case, the plaintiff said "[t]he diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element."

9. If the Court declines to overrule Grutter, can the Plaintiffs prevail? The plaintiffs won't be satisfied if the court declines to overrule because it means that affirmative action won't be taken out of consideration in jobs, schools, military, etc. They would be happy if they did overrule this case because it would mean that these occupations can't use ethnicity or background to have an advantage over other students.

10. If the Court overrules Grutter, will the military have difficulty recruiting a diverse academies to recruit a diverse student body.

Currently the academies practice Affirmative Action-policy of using race is a factor in admission to boost diversity in their ROTC programs.armed service?

If the Supreme Court did overrule Grutter, it would be more difficult for the military

CONCLUSION

Respectfully submitted,

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